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Title: Resolution adopting an amendment to the Agreement of 1998 with Plum Boro for additional sewage capacity.

Sponsors:

Indexes: AGREEMENTS

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Attachments: 1. 2003-2529.doc

Date	Ver.	Action By	Action	Result
12/19/2003	1	Mayor	Signed by the Mayor	
12/10/2003	1	City Council	Passed Finally	Pass
12/10/2003		City Council	Passed Finally	Pass
12/3/2003		Committee on Public Works & Environmental Services	AFFIRMATIVELY RECOMMENDED	Pass
12/2/2003	1	City Council	RECOMMITTED	Pass
11/25/2003	1	Committee on Public Works & Environmental Services	AFFIRMATIVELY RECOMMENDED	Pass
11/18/2003		City Council	Read and referred	

Presented by Mr. Bodack

Resolution adopting an amendment to the Agreement of 1998 with Plum Boro for additional sewage capacity.

Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:

Section 1. City Council hereby approves an amendment to the Agreement of 1998 with Plum Boro for additional sewage capacity, in accordance with Exhibits and Attachments hereto.

**FIRST AMENDMENT TO SERVICE AGREEMENT
EFFECTIVE AS OF JANUARY 29, 1998 BY AND
AMONG CITY OF PITTSBURGH, ALLEGHENY
COUNTY SANITARY AUTHORITY, PLUM BOROUGH,
AND PLUM BOROUGH MUNICIPAL AUTHORITY
(City of Pittsburgh Controller's No. 36923)**

This FIRST AMENDMENT TO SERVICE AGREEMENT EFFECTIVE AS OF JANUARY 29, 1998 BY AND AMONG CITY OF PITTSBURGH, ALLEGHENY COUNTY SANITARY AUTHORITY, PLUM BOROUGH AND PLUM BOROUGH MUNICIPAL AUTHORITY (hereinafter referred to as this "**Amendment**") is made and entered into this _____ day of _____, 2003 by and among **CITY OF PITTSBURGH**, a municipal corporation of the Commonwealth of Pennsylvania (the "**City**"),

AND

ALLEGHENY COUNTY SANITARY AUTHORITY, a body corporate and politic organized and existing under the Pennsylvania Municipal Authorities Act ("**ALCOSAN**"),

AND

PLUM BOROUGH, a political subdivision of the Commonwealth of Pennsylvania located within the County of Allegheny (the "**Borough**"),

AND

PLUM BOROUGH MUNICIPAL AUTHORITY, a body corporate and politic organized and existing under the Pennsylvania Municipal Authorities Act (the "**Municipal Authority**").

WITNESSETH:

WHEREAS, the City, ALCOSAN, the Borough and the Municipal Authority (the "**Parties**") entered into that certain Agreement identified on its cover page as being Effective as of January 29, 1998 and further identified by City of Pittsburgh Controller's No. 36923 (the "**1998 Agreement**") a copy of which is attached to and incorporated into this Amendment as **Exhibit "1"**; and

WHEREAS, the 1998 Agreement embodies the Parties' agreement with respect to the sewage service to be provided by ALCOSAN to the Borough; and

WHEREAS, the Borough has requested an amendment to the 1998 Agreement to describe an expanded service area within the Borough, which expanded area is comprised of a planned 83 single lot residential development of approximately 57 acres in area, known as the Whispering Pines subdivision (the "**Expanded Service Area**"); and

WHEREAS, the expansion of the described service area by this Amendment will not require any change in the sewage capacity allocation to the Borough established and agreed to in Section 3 of the 1998 Agreement, or any change to any other provisions of the 1998 Agreement aside from the description of the service area; and

WHEREAS, ALCOSAN is willing, with the agreement of the City and the Municipal Authority, to expand the sewage service area to which the 1998 Agreement pertains to include the planned residential subdivision known as the Whispering Pines subdivision; and

WHEREAS, the Parties desire to amend the Agreement as hereinafter provided.

NOW THEREFORE, in consideration of the foregoing and each intending to be legally bound, the Parties agree as follows:

1. The foregoing recitals are hereby incorporated herein as if set forth at length.
2. The Parties hereby agree to amend the 1998 Agreement to enlarge the "service area" (as defined in Section 1 of the 1998 Agreement) to include the Whispering Pines subdivision.
3. The expanded service area is more particularly described and illustrated on Exhibits "A" and "B" attached hereto and incorporated within this Amendment. Exhibit "A" is a legal description of the expanded service area in metes and bounds, and Exhibit "B" is a drawing depicting the expanded service area.
4. The Parties hereby agree to amend the 1998 Agreement by replacing the current Exhibits "A" and "B" to the 1998 Agreement with Exhibits "A" and "B" to this Amendment as referred to in the preceding paragraph.
5. Except as amended hereby, the Agreement remains unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto, have executed this Amendment as of the day and year first above written.

Attest: CITY OF PITTSBURGH By:

Secretary to Mayor Mayor

Attest:
Chief Clerk Director, Department of Public Works

Approved as to form:
City Solicitor
Countersigned:
Controller

Attest: ALLEGHENY COUNTY SANITARY AUTHORITY By:

Secretary Chairman

Approved as to form:
Authority Solicitor

Attest: PLUM BOROUGH By:
Borough Secretary Mayor

Approved as to form:
Borough Solicitor

Attest: PLUM BOROUGH MUNICIPAL AUTHORITY By:

Authority Secretary Chairman

Approved as to form:
Borough Solicitor

EXHIBIT "1"
[Copy of the 1998 Agreement follows.]
EXHIBIT "A"
[Copy of the legal description in metes and bounds of the
expanded service area follows.]
EXHIBIT A

Beginning at the True Place of Beginning, which is described as the Intersection of Old Frankstown Road and State Route 286; thence along the centerline of said Old Frankstown Road in a northwesterly direction, the following courses and distances: N 84° 30' 53" W, a distance of 178.86 feet; thence N 69° 47' 34" W, a distance of 474.35 feet; thence N 74° 38' 14" W, a distance of 309.23 feet; thence N 66° 00' 42" W, a distance of 451.66 feet; thence N 66° 33' 29" W, distance of 209.48 feet; thence N 57° 18' 22" W, a distance of 342.56 feet; thence N 46° 32' 49" W, a distance 597.63 feet; thence N 56° 22' 42" W, a distance of 405.60 feet; thence N 50° 11' 02" W, a distance of 421.32 feet; thence N 63° 43' 35" W, a distance of 360.89 feet; thence N 55° 35' 00" W, a distance of 567.03 feet; thence N 51° 12' 37" W, a distance of 351.73 feet; thence N 46° 20' 47" W, a distance of 214.85 feet; thence N 58° 04' 28" W, a distance of 512.83 feet; thence N 68° 09' 20" W, a distance of 284.71 feet to the Intersection of Old Frankstown Road and Lindsey Lane. Continuing in a northeasterly direction along the centerline of Lindsey Lane, N 31° 53' 47" E, a distance of 211.29 feet; thence N 19° 54' 32"

E, a distance of 332.00 feet; thence N 29° 07' 01" E, a distance of 143.39 feet; thence N 22° 57' 04" E, a distance of 595.77 feet; N 49° 17' 58" E, a distance of 788.73 feet; thence N 75° 58' 11" E, a distance of 238.85 feet; thence N 50° 40' 20" E, a distance of 209.97 feet; thence N 27° 14' 44" E, a distance of 203.56 feet; thence N 43° 32' 08" E, a distance of 657.13 feet to the Intersection of Lindsey Lane and New Texas Road. Continuing in a southerly direction S 01° 39' 10" E, a distance of 2194.27 feet; thence S 38° 49' 12" E, a distance of 853.92 feet; thence S 10° 13' 20" E, a distance of 474.00 feet; thence S 39° 05' 38" E, a distance of 315.30 feet; thence S 79° 41' 43" E, a distance of 504.32 feet; thence S 29° 27' 13" E, a distance of 748.27 feet; thence S 88° 45' 25" E, a distance of 1774.24 feet to a point approximately in the intersection of Kane Road and New Texas Road, State Route 2075; thence continuing from said point in a southwesterly direction S 00° 46' 48" W, a distance of 1000.33 feet to a point in the centerline of Sagamore Hill Road; thence continuing along the center of said road in a southerly direction the following courses and distances: S 71° 34' 25" W, a distance of 156.25 feet; thence N 87° 32' 49" W, a distance of 592.67 feet back to the True Place of Beginning.

EXHIBIT "B"

[Copy of the drawing of the expanded service area follows.]